

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 6-12 and 17-22 are pending in the application. Claims 1 and 12 are amended; and Claims 5 and 16 are canceled without prejudice or disclaimer by the present amendment. Support for amended Claims 1 and 12 can be found at least at Fig. 5 and p. 6, ll. 21-30 of the specification. No new matter is presented.

In the Office Action, Claims 1, 5, 7-10, 12, 16, and 19-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant et al. (U.S. Pat. 5,802,468, herein Gallant) in view of Wells et al. (U.S. Pat. 5,870,683, herein Wells); Claims 6 and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Hubbe et al. (U.S. Pat. 6,667,748, herein Hubbe); and Claims 11 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Fogarty (U.S. Pat. 6,311,180, Fogarty).

The Office Action rejects Claims 1, 5, 7-10, 12, 16, and 19-21 under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells. In response to this rejection, Applicants respectfully submit that amended independent Claims 1 and 12 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claims 1 and 12 are amended to incorporate the features 5 and 16, respectively. Amended independent Claim 1, for example, recites a method for providing a background image for a display of a communication device, comprising:

- a) automatically selecting background images to be displayed, from said stored background images, according to pre-set parameters received from a base station;
- b) retrieving the data of said automatically selected background images from said memory, wherein said preset parameters are received independent from the storing and retrieving of said data of said background images; and
- c) displaying said retrieved background images in sequence as defined by said pre-set parameters on said display of said communication device,

wherein step b) comprises ***sending a request for the transmission of the background image data to a base station upon a registering process*** and receiving the requested background image data from the base station.

Independent Claim 12, while directed to an alternative embodiment, recites similar features. Accordingly, the arguments presented below are applicable to each of independent Claims 1 and 12.

An advantage of the above noted claimed configuration is that the selected background images can be displayed even when the corresponding image data is initially not available to the communication device. Therefore, the background images can be selected more flexibly.

In rejecting dependent Claims 5 and 16, the Office Action asserts that col. 9, ll. 4-10 of Gallant “teaches that step b) comprises the reception of said background image data from a base station upon a registering process”.

Specifically, this cited portion of Gallant describes that as a mobile station 30 moves from service area cell to service area cell and registers with each new service area cell, a processor 33 of the mobile station compares the identification code of a newly entered service area cell with identification codes stored in a memory 35 to determine the physical location of the mobile station with respect to the defined calling areas.

Thus, Gallant does appear to describe a registration process that occurs when the mobile station 30 transitions between various cells, but fails to disclose that a request for a background image is associated with the registration process, whatsoever. More specifically, Gallant fails to teach or suggest that a process of “retrieving the data of said automatically selected background images from said memory” includes “***sending a request for the transmission of the background image data to a base station upon a registering process*** and receiving the requested background image data from the base station” as recited in amended independent Claim 1.

Further, Wells fails to remedy the above noted deficiencies of Gallant.

Gallant, therefore, even if combined with Wells, fails to teach or suggest a method for providing a background image for a display of a communication device that includes ***“sending a request for the transmission of the background image data to a base station upon a registering process*** and receiving the requested background image data from the base station” as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 12 (and the claims that depend therefrom) patentably define over Gallant and Wells.

The Office Action further rejects Claims 6, 11, 17 and 22 under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Fogarty or Hubbe. Applicants note that each of these claims ultimately depend from independent Claims 1 or 12, respectively, and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that neither Fogarty nor Hubbe remedy any of the above-noted deficiencies of Gallant and Wells.

Accordingly, Applicants respectfully request that the rejection of Claims 6, 11, 17 and 22 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 6-12 and 17-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

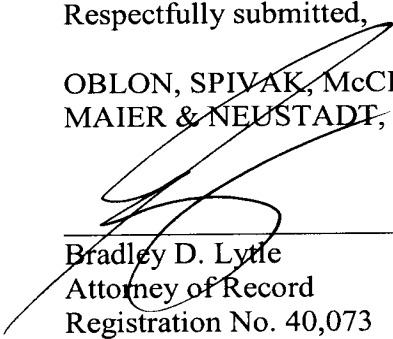
Respectfully submitted,

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